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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,301	09/24/2001	Ichiyou Shiga	1538.1018	4757

21171 7590 09/28/2007

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	
MAIL DATE	**DELIVERY MODE**
09/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/960,301	SHIGA, ICHIYOU	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/07 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 11, 12, 14, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Yen in view of Maluare.

Referring to claim 1, Reynolds discloses a method, executed by a broadcasting server, for controlling interlock of an interactive service with data broadcasting, said method comprising

acquiring information specifying an interactive service associated with data broadcasting (figure 1; column 5, lines 38-41) and information specifying a service time of said interactive service (column 8, lines 30-35; Note: the times that local programs are to be broadcast are interpreted as being equivalent to service times);

transmitting said information specifying said interactive service and said information specifying said service time (column 8, lines 30-35), which are acquired in said acquiring, to said interactive server (column 5, lines 38-41), which is independent from said broadcasting server (figure 1; Note: as the figure shows different symbols for 12 and 15, they are interpreted as being independent as is shown in figure 1 of the applicant's disclosure), and which executes an interactive application that provides said interactive service over said communication path to said broadcasting receiver (column 7, lines 50-55), in response to an access from said broadcasting receiver (column 14, lines 53-57); and

transmitting, over said communication path to said broadcasting receiver, data broadcasting contents associated with said interactive service at said service time specified by said information specifying said service time (column 7, lines 50-55);

wherein said data broadcasting contents include link information to access said interactive application executed by said interactive server (column 8, lines 30-35; column 7, lines 50-55).

Reynolds does not disclose a method wherein said interactive service can be provided from an interactive server over a first communication path to a broadcast receiver, and said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver; and transmitting information specifying said interactive service over a third communication path.

In an analogous art, Yen teaches a method wherein said interactive service can be provided from an interactive server over a first communication path to a broadcast receiver (figure 1, part 112), and said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver (figure 1, part 111; column 5, lines 40-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the first and second communication paths taught by Yen to the method disclosed by Reynolds. The motivation would have been to enable the local information sources to transmit the data to the receiver without first sending it through the headend, thereby improving latency.

Reynolds and Yen do not disclose a method for transmitting information specifying said interactive service over a third communication path.

In an analogous art, Malaure teaches a method for transmitting information specifying said interactive service over a third communication path (figure 1, part 20; column 3, lines 50-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the third communication return path taught by Malaure to the method

disclosed by Reynolds and Yen. The motivation would have been to enable the user to request data on older systems without upstream capabilities, thereby enabling the system to have a wider installation base.

Claims 11 and 21 are rejected on the same grounds as claim 1.

Referring to claim 2, Reynolds discloses a method as set forth in claim 1, wherein said acquiring includes extracting said information specifying said interactive service and said information specifying said service time from interactive service organization information (column 8, lines 54-62).

Claims 12 and 22 are rejected on the same grounds as claim 2.

Referring to claim 4, Reynolds discloses a method as set forth in claim 1, wherein in said transmitting, said information specifying said interactive service and said information specifying said service time, together with content information of said data broadcasting, are distributed to said interactive server (column 8, lines 30-35; figure 3a, part; Note: the program information located in the program guide is interpreted as being equivalent to content information).

Reynolds does not disclose a method for transmitting information specifying said interactive service over a third communication path.

In an analogous art, Malaure teaches a method for transmitting information specifying said interactive service over a third communication path (figure 1, part 20; column 3, lines 50-53).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the third communication return path taught by Malaure to the method disclosed by Reynolds and Yen. The motivation would have been to enable the user to request data on older systems without upstream capabilities, thereby enabling the system to have a wider installation base.

Claims 14 and 24 are rejected on the same grounds as claim 4.

Claims 7-10, 17-20, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malaure in view of Yen in view of Reynolds.

Referring to claim 7, Malaure discloses a method, executed by an interactive server that provides an interactive service associated with data broadcasting to a broadcasting server for controlling interlock of said interactive service with said data broadcasting (column 1, lines 40-42; column 2, lines 50-61), said method comprising:

receiving and storing a set of information for specifying an interactive service and information for specifying a service time of said interactive service from a broadcasting server in one or a plurality of broadcasting stations (column 1, lines 43-45; column 5, lines 1-8), wherein said broadcasting server is managed independently from said interactive server (figure 1, parts 8 and 2; Note: as the figure shows different symbols for 2 and 9, they are interpreted as being independent as is shown in figure 1 of the applicant's disclosure); extracting, from the stored set of said information a set of information for specifying a specific interactive service having a relation to said computer for carrying out said interactive service and information for a specifying

service time of said specific interactive service (column 5, lines 1-8); and controlling activation and deactivation of each said interactive service based on said extracted set of said information for specifying said interactive service and said information for specifying said service time of that interactive service (column 4, lines 59-67; column 5, lines 30-34)); and

wherein said interactive service can be provided from said interactive server over a first communication path to said broadcasting receiver (figure 1, parts 2, 8, and 30), said data broadcasting can be provided from said broadcasting server over said first communication path to said broadcasting receiver (figure 1, parts 2, 8, and 30).

Malaure does not disclose a method wherein said first communication path is two separate communication paths; and said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server.

In an analogous art, Yen teaches a method wherein said first communication path is two separate communication paths (figure 1, part 111; column 5, lines 40-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the first and second communication paths taught by Yen to the method disclosed by Malaure. The motivation would have been to enable the interactive programs to be transmitted from other sources other than the headend, thereby allowing for more interactive content to be provided to the users.

Malaure and Yen do not disclose a method wherein said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server.

In an analogous art, Reynolds teaches a method wherein said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server (figure 1, part 41; column 5, lines 45-51).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the third communication path taught by Reynolds to the method disclosed by Malaure and Yen. The motivation would have been to allow for smaller companies without broadcasting resources to transmit interactive applications through the headend, allowing for more interactive content to be available.

Claims 17 and 27 are rejected on the same grounds as claim 7.

Referring to claim 8, Malaure discloses a method as set forth in claim 7, wherein in said step of controlling said activation and deactivation (column 2, lines 6-9), if it is judged that a service start time has arrived based on said information for specifying said service time, a flag of the corresponding interactive service is set ON (column 1, lines 50-53), if it is judged that a service termination time has arrived based on said information for specifying said service time, a flag of the corresponding interactive

service is set OFF, and an interactive service is activated or deactivated based on said flag of said interactive service (column 5, lines 30-34).

Claims 18 and 28 are rejected on the same grounds as claim 8.

Referring to claim 9, Malaure discloses a method as set forth in claim 7, further comprising the steps of: acquiring information indicating an operating state of said interactive service; and transmitting said information indicating said operating state of said interactive service to a computer associated with said data broadcasting (column 2, lines 6-9).

Claims 19 and 29 are rejected on the same grounds as claim 9.

Referring to claim 10, Malaure discloses a method as set forth in claim 9, wherein said acquiring step includes a step of specifying that the interactive service is active in a case where a response indicating that the interactive service is active is received from the interactive service (column 5, lines 1-8; Note: downloading the required application is interpreted as being equivalent to specifying that the interactive service is active).

Claims 20 and 30 are rejected on the same grounds as claim 10.

Claims 3, 5, 6, 13, 15, 16, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Yen in view of Malaure as applied to the claims above, and further in view of Grooters.

Referring to claim 3, Reynolds, Yen and Malaure do not disclose a method as set forth in claim 2, wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information.

In an analogous art, Grooters teaches a method as set forth in claim 2, wherein said acquiring further includes extracting second information specifying said interactive service from content information of said data broadcasting and comparing the second extracted information with said information specifying said interactive service extracted from said interactive service organization information (column 6, lines 13-16 and 19-29; Note: Grooters teaches a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to compare the second data to the date in the programming guide (interactive service)).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds, Yen and Malaure. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 13 and 23 are rejected on the same grounds as claim 3.

Referring to claim 5, Reynolds, Yen and Malaure do not disclose a method as set forth in claim 1, further comprising generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting, said information as to whether each said interactive service must be activated at present is further transmitted.

In analogous art, Grooters teaches a method as set forth in claim 1, further comprising generating information as to whether each interactive service must be activated at present based on said information specifying said service time of each said interactive service, and wherein in said transmitting said information specifying said interactive service and said information specifying said service time, said information as to whether each said interactive service must be activated at present is further transmitted (figure 3, boxes 320 and 324; column 6, lines 13-16 and 19-29; Note: Grooters teaches a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to override the data in the interactive programming guide (interactive service)).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds, Yen and Malaure. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 15 and 25 are rejected on the same grounds as claim 5.

Referring to claim 6, Reynolds, Yen and Malaure do not disclose a method as set forth in claim 1, further comprising, if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting.

In an analogous art, Grooters teaches a method as set forth in claim 1, further comprising, if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting (figure 3, boxes 320 and 324; column 6, lines 13-16 and 19-29; Note: Grooters teaches a system where the broadcast signal is searched for live content and updating the programming guide, this is interpreted as extracting a second type of data and comparing this data with the interactive service, as the updating would need to invalidate the data in the interactive programming guide (interactive service)).

At the time to of the invention it would have been obvious for one of ordinary skill in the art to add the live media insertion taught by Grooters to the method disclosed by Reynolds, Yen and Malaure. The motivation would have been to enable the system to cope with adding live local events, such as local emergencies, into the television broadcast.

Claims 16 and 26 are rejected on the same grounds as claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

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